

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, July 17, 2001  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Cary Anderson, St. Pauls AME Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of July 10, 2001, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

SISTER CITIES

Sister Cities Exchange Students from LaSalle University, Cancun, Mexico were recognized.

RECOGNITION

Dr. Joseph Meek was recognized.

RECOGNITION

Dawson-Grimsley was recognized.

RECOGNITION

Tom Drysdale, PHD, was recognized. Tom Drysdale presented a token of appreciation to Mayor Knight and City Staff from the American Over-Seas School Historic Society.

YOUTH SERVICE

Wichita's Promise Youth Council presented results and recommendations of the "Action 2000/2001 Report." The top five concerns for area teenagers were listed as follows:

- Alcohol, Tobacco, and Other Drug Use
- Violence/Gang Violence
- Teen Sex/Pregnancy
- Nothing to Do/Nowhere to Go
- Employment

The Youth Council asked the entire community to come together to address these concerns.

**PUBLIC AGENDA**

John A. Van Walleghen, Benjamin Hills Neighborhood Assn. – Bridge Project over Floodway/I-235 Corridor. (District VI)

John A. Van Walleghen President of the Benjamin Hills Neighborhood Association, spoke regarding a Resolution adopted by the Benjamin Hills Neighborhood Association requesting that the City Council end delays and proceed with a bridge project over the floodway/I-235 corridor.

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Mayor Knight Mayor Knight said the City is trying to make the right decision for a location. The Item will be on the City Council Agenda in the very near future.

Council Member Fearey Council Member Fearey said the City Council is trying to make the best decision for both Districts V and VI.

## NEW BUSINESS

### **IRB GOLDSMITH'S ISSUANCE OF INDUSTRIAL REVENUE BONDS – ARST REALTY, L.L.C. (GOLDSMITH'S INC.)** (District II)

Lisa Jones Industrial Analyst, Finance Department, reviewed the Item.

Agenda Report No. 01-0826.

On February 8, 2000, City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds to Arst Realty, L.L.C., in an amount not-to-exceed \$2.7 million and a 100% five-plus-five-year tax exemption on all bond-financed property. The bonds will be used for the purpose of financing construction of a new 50,000 s.f. corporate headquarters and distribution center for Goldsmith's, Inc., located on 37th Street between Rock Road and Webb Road in northeast Wichita. On August 1, 2000, City Council approved an extension of an additional six-months of the Letter of Intent, and on February 6, 2001, approved another six-months extension of the Letter of Intent until August 8, 2001. The construction is nearly complete and Arst Realty, L.L.C., is requesting the issuance of IRBs at this time, in the amount of \$2,115,000.

Goldsmith's Inc., is a full-service office furniture dealership. In addition, Goldsmith's Inc., provides a variety of services including interior design, project management, and product installation to local, regional, national and international clients. Goldsmith's new facility design will consist of three operations divisions. The first division is a state-of-the-art design and education center. This area will have technological capabilities utilized for planning office set-up, environmental issues, and visualization of solutions. The second division will be a 14,000 SF area utilized for sales, marketing, and all corporate offices. The third division will be a 26,000 SF area utilized for product installation, furniture repair, inventory management, and distribution. The 26,000 SF warehouse facility will also be utilized to house inventory for g2i Budget Furniture, a subsidiary of Goldsmith. The g2i component provides in-stock furniture to its customers.

Goldsmith's tri-division concept for the proposed new corporate headquarters will allow efficient transition of state-of-the-art office systems design, to sales and marketing, to installation and distribution.

Goldsmith operates additional facilities in Dallas, TX and Ft. Worth, TX. Rather than relocate corporate headquarters to Texas, the proposed bond-financed project ensures Goldsmith maintains their corporate headquarters in Wichita. Maintaining a corporate headquarters in Wichita protects 20 existing corporate executive jobs and will create at least 25 new jobs over the next five years.

## USES OF FUNDS

Building and Improvements	<u>\$2,115,000</u>
Total Cost of Project:	\$2,115,000

The firm Hinkle Elkouri Law Firm, L.L.C., serves as bond counsel in the transaction. Bonds will be purchased by G.E. Capital. No bonds will be offered to the public. Goldsmith's, Inc., has complied with the Standard Conditions contained in the City's IRB Policy.

Goldsmith's Inc., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Business Incentive Policy,

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Goldsmith's Inc., qualifies for a 100% five-plus-five-year tax exemption on property purchased with bond proceeds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of

-- carried

\$2,115,000, be approved. Motion carried 7 to 0.

## ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,115,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series VI, 2001 (Goldsmith's, Inc. Project) for the purpose of providing funds to acquire a site and construct and equip a corporate headquarters and distribution center; prescribing the form and authorizing execution of a trust indenture by and between the city and Bank of Oklahoma, N.A., Oklahoma City, Oklahoma, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and between the city and Arst Realty, L.L.C.; approving the sublease of the project to Goldsmith's, Inc.; approving the form of a guaranty agreement; authorizing the execution of a bond placement agreement by and among the City, Arst Realty, L.L.C. and General Electric Capital Business Asset Funding Corporation, as purchaser of the bonds, introduced and under the rules laid over.

## CAREER CENTER

### FUNDING FOR WICHITA AREA LEARNING AND CAREER CENTER.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0827.

On June 28, 2001, the Council on Competitiveness and Harvard Business School unveiled the results of a comprehensive analysis of the Wichita area economy, with a primary focus on two key business clusters, the aerospace cluster and the plastics cluster. The study clearly identified the national prominence of Wichita's aircraft manufacturing sector as well as the importance and vast potential of Wichita's overall manufacturing economy. Foremost among the challenges outlined by Harvard's Prof. Michael Porter, who directed the study, was the finding that the prosperity Wichita's aviation cluster is threatened by a serious shortage of skilled labor to meet the growing needs of the cluster. Wichita lacks a world-class vocational training center that can produce the quantity and quality of workforce needed by the manufacturing sector of our economy, particularly in the area of aviation manufacturing.

In response to the needs of large industrial employers in the Wichita area, the Chamber of Commerce has formed a Business Roundtable whose principal focus has been on area of workforce development. This group, under the leadership of the aircraft companies, has formulated a concept for the development of a world-class training center in Wichita, to be called the Wichita Area Learning and Career Center. A steering committee for planning and implementation of the concept has been formed with representatives of Boeing, Bombardier, Cessna, Raytheon, the State of Kansas, Sedgwick County, USD 259 and the City of Wichita. Each member of the steering committee has been asked to contribute \$50,000 per year for two years toward the costs of plan development and implementation planning for the training center.

The steering committee considered two different approaches to implementing the plan development phase for the proposed Wichita Area Learning and Career Center. One approach is to engage a national executive search firm to recruit candidates for the position of Executive Director of the Center, then provide the successful candidate with staff and logistical support and steering committee guidance needed to implement the plan development "in-house." The other approach is to engage the services of a consulting organization with expertise and experience in planning and implementing similar vocational training enterprises. After consideration of the advantages and disadvantages of each approach, the steering committee voted unanimously to pursue the engagement of consultants for the initial phase of plan development and take more time to search for an Executive Director.

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The leading candidate for consultant is the Center for Business and Technology with the Johnson County Community College ("JCCC") in Overland Park. This organization was responsible for planning and implementation of the Burlington Northern Santa Fe Industrial Technical Center at JCCC. This nationally prominent technical training center was developed as a joint venture between business and government to provide top-notch engineers, conductors and other railroad technical workers for the entire railroad industry. It has served as one of the models used in developing the preliminary concept for the Wichita Area Learning and Career Center.

The requested 2001 funding in the amount of \$50,000 will be paid from the contingency in the Economic Development Trust Fund. The funds will be paid to the Wichita Educational Foundation of Aviation Manufacturing, a 501(C)(3) corporation established by the Chamber Commerce on behalf of the Business Roundtable. Use of the funds will be restricted to uses approved by the Wichita Area Learning and Career Center steering committee, of which the City is a member. None of the contributed funds will be paid to the Chamber of Commerce.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that funding for the Wichita Educational Foundation of Aviation Manufacturing in the amount of \$50,000 for plan development for the Wichita Area Learning and Career Center be approved.  
-- carried Motion carried 7 to 0.

## **GO BOND/NOTE SALE GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 203); GENERAL OBLIGATION BOND SALE (SERIES 766).**

Agenda Report No. 01-01-0828.

The City is offering for sale one series of General Obligation Temporary Notes totaling \$75,000,000, of which \$46,000,000 is allocated to provide temporary financing for the Kellogg Freeway projects, and one series of General Obligation Bonds totaling \$6,980,000 for the purpose of providing temporary and permanent financing for duly authorized capital improvement projects of the City.

The proceeds of the Series 203 Temporary Notes will be used to provide interim financing for various City-at-large and improvement district projects. The proceeds of the Series 766 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through Thomson Financial Municipals Group BiDCOMP/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at 11:30 a.m. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 203 Temporary Notes will mature February 21, 2002, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 766 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 766 Bonds will be callable in 2008 with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Bond Ordinances which have been prepared by Bond Counsel.

Ray Trail Director of Finance reviewed the low bids as follows:

G.O. Improvement Temporary Notes – Series 203	-	\$75M
Morgan Stanley Dean Witter – 2.686613 percent		
Total Interest Cost to Maturity at Rate Specified		\$1,297,916.67
Less Premium		<u>\$ 297,750.00</u>
Net Cost to Maturity		\$1,000,166.67

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General Obligation Bonds; SA – Series 766	-	\$6.98 M
Harris Trust and Savings – 4.578469 percent		
Total Interest Cost to Maturity at Rate Specified		\$2,883,407.29
Less Premium		\$ 148.45
Net Interest Cost to Maturity		\$2,883,258.84

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the bond sale be approved as outlined above; the Declaration of Emergency be approved and the necessary signatures be authorized; and the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

-- carried

## ORDINANCE NO. 45-003

An Ordinance authorizing and providing for the issuance of General Obligation renewal and Improvement Temporary Notes, Series 203, of the City of Wichita, Kansas, in the total principal amount of \$75,000,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

## ORDINANCE NO. 45-004

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 766, of the City of Wichita, Kansas, in the total principal amount of \$6,980,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

## BUDGET

### PRESENTATION AND COMMENTS ON THE PROPOSED 2002/2003 ANNUAL BUDGET.

The proposed 2002/2003 budget totals \$363,420,060, representing a 1.5 percent increase from the current operating budget. The budget, as proposed, maintains the current mill levy for the ninth consecutive year.

Chris Cherches

City Manager said the 2002 Proposed Budget funds new police beats and Police officers. In accordance with a fire station location/relocation study, four fire station sites have already been purchased and design of the new stations is underway. To maintain the roadway system, a supplemental \$1.2 million has been included for ongoing preventive street maintenance. An additional \$1.2 million has been included for contracted building maintenance and renovation. Funding is included for maintenance of landscaping, public art, and sculptures; and new shelters and buses to enhance the transit system.

The City will continue to build its E-Government capabilities to provided citizens with greater access and more timely information, without limitations of time or place.

Mini-City Halls at four neighborhood locations will afford citizens convenient access to City services. Funding is provided for necessary staffing.

This is a balanced budget with no tax increase.

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Ray Trail Finance Director gave a brief overview of budget details.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the comments be received. Motion carried 7 to 0.

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

#### APPOINTMENTS

There were no appointments made.

## CONSENT AGENDA

Motion -- carried Knight moved that the Consent Agenda, including Addendum Item be approved. Motion carried 7 to 0.

### **BOARD OF BIDS**

#### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 16, 2001.

Bids were opened July 13, 2001, pursuant to advertisements published on:

Pave 24th Street North, from the east line of Hood to the west line of Payne to serve Theising's First Addition - south of 25th Street North, west of Arkansas. (472-83331/765675/490786) Traffic to be maintained during construction using flagpersons and barricades. (District VI; AND 24th Street North, from the east line of Payne to the west line of Salina to serve Theising's First Addition - south of 25th Street North, west of Arkansas. (472-83332/765676/490787) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$47,043.92 (Total aggregate bid)

Glen Wood from the north line of 13th Street to the south line of Edgewood; Birchwood from the east line of Glen Wood to the east line of Lot 5, Block 7; Glen Wood Court, serving Lots 34 through 37, Block 4, from the west line of Glen Wood to and including the cul-de-sacs; Glen Wood Court, serving Lots 31, 32, and 33, Block 4, from the west line of Glen Wood to and including the cul-de-sac; Sidewalk on the east side of Glen Wood from the north line of 13th to the south line of Edgewood and on the north side of Birchwood from the east line of Glen Wood to the east line of Lot 5, Block 7 to serve Rocky Creek Addition - north of 13th Street North, east of 127th Street East. (472-83035/765680/490791) Does not affect existing traffic. (District II)

APAC - Kansas Inc. - \$259,863.75

Lateral 66, Main 9, Sanitary Sewer 23 to serve Whispering Brook Commercial Second Addition - south of 37th Street North, west of Woodlawn. (468-83220 /743876/480564) Does not affect existing traffic. (District I)

WB Carter Construction - \$24,500.00 (Negotiated to engineer's estimate)

Water distribution system to serve Smithmoor 10th Addition - south of Harry, west of Greenwich. (448-89595/735019/470689) Does not affect existing traffic. (District II)

WBW Contractors - \$29,985.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: TV Sewer Inspection Equipment. (133116)

Utility Maintenance Contractors LLC - \$22,365.28 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### Renewal Adult Entertainment:

David A. Cherry	Kansas Video, dba Video Advent	2726 North Amidon
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Motion -- carried

Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

#### Application for License to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
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Mark T. Ryan	Ryan Boys Inc.*	300 South Greenwich Road #21
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

## PLANS AND SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

## PRELIMINARY ESTS PRELIMINARY ESTIMATES:

- a) 12 inch force main in connection with Main 1, Northwest Interceptor Sewer, Park B - 21st Street North, east of 119th Street West. (468-83131/624058 /659512) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$300,000.00
- b) Main 3, Northwest Interceptor Sewer, Part A - 21st Street North, both sides of 119th Street West. (468-83133/624060/651002) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$898,565.00
- c) Sanitary sewer rehabilitation in Alley between Washington and Ida from Morris to Gilbert to serve Kelsch Third and Hephner Additions - south of Kellogg, east of Washington. (468-83256/620318 /661442) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$55,000.00
- d) Alley between Washington and Ida from Morris to Gilbert to serve Kelsch Third and Hephner Additions - south of Kellogg, east of Washington. (472-83284/765654/490765) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$83,250.00
- e) Museum District Boulevard, Sim Park Area - not platted. Stackman Drive - north of Central and a Portion of Sim Park Drive. (472-83228/706795/200248) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$2,745,850.00

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- f) Water supply line in 119th Street West from Carr to Maple - in 119th Street West, north and south of Kellogg. (448-89435/633716/750557) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$294,975.00
- g) Lateral 468, Southwest Interceptor Sewer to serve Flat Creek Addition - east of 119th Street West, north of Pawnee. (468-83260/743872/480560) Does not affect existing traffic. (District V) - \$562,000.00
- h) Water distribution system to serve Savannah Place Addition - west of Tyler, south of Maple. (448-89559/448-89560/735014/735013/470684/470683) Does not affect existing traffic. (District V) - \$55,000.00
- i) Covington from the North Line of Lot 1, Block 2, Aberdeen Third Addition to the North Line of 21st Street North and Covington Court Adjacent to Lots 2 to 44 the Lochs at Aberdeen and Adjacent to Lots 1 to 5, Block 2, Lochs at Aberdeen and Aberdeen 3rd Addition - east of 119th Street West, north of 21st Street North. (472-83359/765681/490792) Does not affect existing traffic. (District V) - \$580,000.00
- j) Traffic signal at Zelta and Kellogg, One Kellogg Place Second Addition - south of Kellogg, east of Greenwich. (472-83372/765683/490794) Traffic to be maintained through construction. (District II) - \$603,000.00
- k) Lateral 49, Main 2, Sanitary Sewer 22 to serve W.H.H. Addition - south of 27th Street South, west of Seneca. (468-83266/743875/480563) Does not affect existing traffic. (District IV) - \$24,000.00
- l) Storm Water Sewer 550 to serve One Kellogg Place Second Addition - south of Kellogg, east of Greenwich. (468-83237/751297/485188) Does not affect existing traffic. (District II) - \$518,000.00
- m) Storm Water Drain 163 to serve YMCA South Addition - south of 33rd Street South, west of Meridian. (468-83234/448-89591/751298/485189) Does not affect existing traffic. (District IV) - \$118,800.00
- n) Water distribution system to serve Vandale Addition, Vandale Annex, Replat of Vandale Annex, Chamberlain's Subdivision of Vandale Annex, Gorrell's Sub of Vandale Annex, and J.C. Addition - west of Broadway, south of 55th Street South. (448-89486/734978/470648) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$505,000.00vd
- o) 20-inch water line in McLean Boulevard from Pawnee to 31st Street South - McLean Boulevard from Pawnee to 31st Street South. (448-89456/633722/750816) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$586,895.00
- p) Water distribution system to serve Flat Creek Addition - east of 119th Street West, north of Pawnee. (448-89582/735017/470687) Does not affect the existing traffic. (District V) - \$116,000.00
- q) Storm Water Drain 162 to serve Savannah Place Addition - west of Tyler, south of Maple. (468-83232 /751296/485187) Does not affect the existing traffic. (District V) - \$52,000.00
- r) 2001 street rehabilitation; MacArthur, Meridian to Seneca; 119th Street West, Kellogg to Maple; 33rd Street North, Broadway to Mead - north of 47th Street South and east of 135th Street West. (472-83366 /706818/620310/201284/661434) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V and VI) - \$605,600.00
- s) Main 10, Four Mile Creek Sewer Phase 1 - north of 17th Street North extended, east of Greenwich Road. (468-83392/624503/699003) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,283,967.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.



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## STATEMENTS OF COST

## STATEMENTS OF COST:

- a) Improving Storm Water Sewer No. 527 to serve Highland Springs Second Addition, (south of Central, west of 135th Street West). Total Cost - \$247,970.16 (plus idle fund interest - \$6,083.82, plus temporary note interest - \$11,139.02). Financing to be issued at this time - \$265,193.00. (751287/468-83033 /485-178).
- b) Improving Storm Water Drain No. 150 to serve Angel Acres Addition, (north of 47th Street South, west of Meridian). Total Cost - \$40,335.95 (plus idle fund interest - \$1,189.55, plus temporary note interest - \$1,899.50). Financing to be issued at this time - \$43,425.00. (751282/468-83046/485-173).
- c) Improving Storm Water Drain No. 153 to serve West Ridge Estates Addition, (south of 29th Street North, east of 119th Street West). Total Cost - \$510,803.69 (plus idle fund interest - \$12,699.45, plus temporary note interest - \$23,045.86). Financing to be issued at this time - \$546,549.00. (751288/468-83104/485-179).
- d) Improving Lateral 139, Main 4, Sanitary Sewer No. 23 to serve an unplatted tract, (south of 37th Street North, west of Broadway). Total Cost - \$4,996.88 (plus idle fund interest - \$345.12, plus temporary note interest - \$0.00). Financing to be issued at this time - \$5,342.00. (743826/468-83061/480-514).
- e) Improving Lateral 33, Main 24, War Industries Sewer to serve Legacy Park Wilson Estates Addition, (south of 21st Street North, west of Webb Road). Total Cost - \$84,331.05 (plus idle fund interest - \$2,095.11, plus temporary note interest - \$3,758.84). Financing to be issued at this time - \$90,185.00. (743843/468-83119/480-531).
- f) Improving Lateral 448, Southwest Interceptor Sewer to serve Hoskinson Second Addition, (south of 37th Street North, west of Ridge Road). Total Cost - \$161,704.03 (plus idle fund interest - \$3,707.49, plus temporary note interest - \$5,457.48). Financing to be issued at this time - \$170,869.00. (743857/468-83090/480-545).
- g) Improving Lateral 1, Main 1, Northwest Interceptor Sewer to serve Newmarket Square Addition, (north of 21st Street North, west of Maize Road). Total Cost - \$26,332.17 (plus idle fund interest - \$881.83, plus temporary note interest - \$495.00). Financing to be issued at this time - \$27,709.00. (743862 /468-83188/480-550).
- h) Improving Lateral 2, Main 26, War Industries Sewer to serve Regency Park Addition, (south of 29th Street North, west of Greenwich Road). Total Cost - \$109,000.00 (plus idle fund interest - \$4,322.00, plus temporary note interest - \$4,184.00). Financing to be issued at this time - \$117,506.00. (743831/468-83062/480-519).
- i) Improving Lateral 459, Southwest Interceptor Sewer to serve Cessna Addition, C.E.C.U. Addition, and unplatted tracts, (north and south of 31st Street South, east of Ridge Road). Total Cost - \$143,414.16 (plus idle fund interest - \$698.00, plus temporary note interest - \$5,960.84). Financing to be issued at this time - \$150,073.00. (743855/468-83128/480-543).
- j) Improving Lateral 64, Main 9, Sanitary Sewer No. 23 to serve Comotara Industrial Park 4th Addition, (south of 37th Street North, west of Webb Road). Total Cost - \$37,165.64 (plus idle fund interest - \$503.88, plus temporary note interest - \$1,550.48). Financing to be issued at this time - \$39,220.00. (743852/468-83053/480540).
- k) Improving Lateral 461, Southwest Interceptor Sewer to serve Evergreen and Evergreen Second Additions, (north of 21st Street North, west of Maize Road). Total Cost - \$66,618.55 (plus idle fund interest - \$1,372.43, plus temporary note interest - \$2,936.02). Financing to be issued at this time - \$70,927.00. (743850/468-83147/480-538).

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- l) Improving Lateral 25, Cowskin Interceptor Sewer to serve Fawnwood Addition and unplatted tracts, (north of Kellogg, west of 135th Street West). Total Cost - \$24,025.09 (plus idle fund interest - \$581.91, plus temporary note interest - \$605.00). Financing to be issued at this time - \$25,212.00. (743860/468-83174/480-548).
- m) Improving Lateral 32, Main 1, Cowskin Interceptor Sewer to serve an unplatted tracts, (north of Maple, west of Maize Road). Total Cost - \$9,568.24 (plus idle fund interest - \$469.76, plus temporary note interest - \$275.00). Financing to be issued at this time - \$10,313.00. (743835/468-83083/480-523).
- n) Improving Lateral 457, Southwest Interceptor Sewer to serve an unplatted tract, (north of 47th Street South, west of Meridian). Total Cost - \$7,233.74 (plus idle fund interest - \$323.26, plus temporary note interest - \$0.00). Financing to be issued at this time - \$7,557.00. (743845/468-83120/480-533).
- o) Improving Lateral 78, Sanitary Sewer No. 23 to serve Industrial Air Center Addition, (north of 37th Street North, west of Webb Road). Total Cost - \$29,333.55 (plus idle fund interest - \$418.47, plus temporary note interest - \$1,357.98). Financing to be issued at this time - \$31,110.00. (743851/468-82230/480-539).
- p) Improving water distribution system to serve Smithmoor 9th Addition, (south of Harry, west of Greenwich Road). Total Cost - \$43,540.54 (plus idle fund interest - \$115.10, plus temporary note interest - \$2,043.36). Financing to be issued at this time - \$45,699.00. (734983/448-89400/470-653).
- q) Improving water distribution system to serve Smithmoor 9th Addition, (south of Harry, west of Greenwich Road). Total Cost - \$35,906.83 (plus idle fund interest - \$901.83, plus temporary note interest - \$1,584.34). Financing to be issued at this time - \$38,393.00. (734967/448-89398/470-637).
- r) Improving water distribution system to serve Vandale Addition, Replat of Vandale Annex Addition, Chamberlain's Second Sub. of Vandale, and Gorrell's Sub. of Vandale Addition, (south of 55th Street South, west of Broadway). Total Cost - \$138,628.82 (plus idle fund interest - \$2,025.48, plus temporary note interest - \$6,159.70). Financing to be issued at this time - \$146,814.00. (734950/448-89446 /470-620).
- s) Improving water distribution system to serve Buckhead 3rd Addition, (north of Central, west of 119th Street West). Total Cost - \$40,481.15 (plus idle fund interest - \$329.21, plus temporary note interest - \$1,810.64). Financing to be issued at this time - \$42,621.00. (734986/448-89280/470-656).
- t) Improving water distribution system to serve Huntcrest Second Addition, (south of Harry, east of Webb Road). Total Cost - \$14,023.82 (plus idle fund interest - \$55.16, plus temporary note interest - \$679.02). Financing to be issued at this time - \$14,758.00. (734977/448-89397/470-647).
- u) Improving water distribution system to serve White Tail Addition, (south of 13th Street North, west of 127th Street East). Total Cost - \$16,000.00 (plus idle fund interest - \$383.50, plus temporary note interest - \$357.50). Financing to be issued at this time - \$16,741.00. (735002/448-89537/470-672).
- v) Improving water distribution system to serve Hoskinson Second Addition, (south of 37th Street North, west of Ridge Road). Total Cost - \$43,941.96 (plus idle fund interest - \$850.40, plus temporary note interest - \$1,810.64). Financing to be issued at this time - \$46,603.00. (734972-448-89464/470-642).
- w) Improving water distribution system to serve Industrial Air Center Second Addition, (north of 37th Street North, west of Webb Road). Total Cost - \$36,597.48 (plus idle fund interest - \$848.18, plus temporary note interest - \$1,584.34). Financing to be issued at this time - \$39,030.00. (734981/448-89222/470-651).

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- x) Improving water distribution system to serve Forest Lakes Addition, (north of 29th Street North, west of Ridge Road). Total Cost - \$29,628.39 (plus idle fund interest - \$534.63, plus temporary note interest - \$1,357.98). Financing to be issued at this time - \$31,521.00. (734982/448-89022/470-652).
- y) Improving water distribution system to serve the Clubhouse Villas at Legacy Park Wilson Estates Addition, (south of 21st Street North, west of Webb Road). Total Cost - \$40,807.25 (plus idle fund interest - \$877.11, plus temporary note interest - \$1,810.64). Financing to be issued at this time - \$43,495.00. (734974/448-89483/470-644).
- z) Improving Main 11, Sanitary Sewer No. 23 to serve Sawmill Creek Addition, (north of 45th Street North, east of Rock Road). Total Cost - \$273,784.01 (less idle fund interest - \$1,703.19, plus temporary note interest - \$13,053.18). Financing to be issued at this time - \$285,134.00. (743846/468-83116/480-534).
- aa) Improving water distribution system to serve Killenwood Pointe Addition, (south of 13th Street North, east of Greenwich Road). Total Cost - \$22,237.97 (plus idle fund interest - \$416.01, plus temporary note interest - \$844.02). Financing to be issued at this time - \$23,498.00. (734988/448-89495/470-658).
- bb) Improving water distribution system to serve Killenwood Pointe Addition, (south of 13th Street North, east of Greenwich Road). Total Cost - \$20,612.51 (plus idle fund interest - \$348.97, plus temporary note interest - \$816.52). Financing to be issued at this time - \$21,778.00. (734987/448-89491/470-657).
- cc) Improving water distribution system to serve Cedar View Second Addition, (north of Lincoln, east of Greenwich Road). Total Cost - \$42,591.30 (plus idle fund interest - \$1,026.20, plus temporary note interest - \$962.50). Financing to be issued at this time - \$44,580.00. (735000/448-89526/470-670).
- dd) Improving water distribution system to serve Evergreen and Evergreen Second Addition, (north of 21st Street North, west of Maize Road). Total Cost - \$78,805.72 (plus idle fund interest - \$1,528.60, plus temporary note interest - \$3,388.68). Financing to be issued at this time - \$83,723.00. (734980/448-89489/470-650).
- ee) Improving water distribution system to serve Forest Lakes Addition, (north of 29th Street North, east of Tyler Road). Total Cost - \$30,343.37 (plus idle fund interest - \$399.45, plus temporary note interest - \$1,269.18). Financing to be issued at this time - \$32,012.00. (734984/448-89204/470-654).
- ff) Improving water distribution system to serve Lot 20, Block 1, Fruitvale Addition, (east of Hoover, south of Central). Total Cost - \$3,895.51 (plus idle fund interest - \$228.49, plus temporary note interest - \$0.00). Financing to be issued at this time - \$4,124.00. (734975/448-89482/470-645).
- gg) Improving Lateral 383, Southwest Interceptor Sewer to serve Forest Lakes West Addition, (north of 29th Street North, east of Tyler Road). Total Cost - \$39,986.36 (plus idle fund interest - \$809.30, plus temporary note interest - \$1,749.34). Financing to be issued at this time - \$42,545.00. (743854/468-82768/480-542).
- hh) Improving Lateral 405, Southwest Interceptor Sewer to serve YMCA South Addition, (south of 31st Street South, west of Meridian). Total Cost - \$49,881.32 (plus idle fund interest - \$1,204.68, plus temporary note interest - \$2,037.00). Financing to be issued at this time - \$53,123.00. (743837/468-82865/480-525).
- ii) Improving Lateral 125, Main 4, Sanitary Sewer No. 23 to serve PMT Addition and unplatted tract, (south of 37th Street North, west of Arkansas). Total Cost - \$22,257.74 (plus idle fund interest - \$1,047.26, plus temporary note interest - \$550.00). Financing to be issued at this time - \$23,855.00. (741447/468-82272/480-236).

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jj) Improving water distribution system to serve Auburn Hills 12th Addition, (south of Maple, west of 135th Street West). Total Cost - \$109,569.71 (plus idle fund interest - \$109,569.71 (plus idle fund interest - \$2,447.29, plus temporary note interest - \$2,750.00). Financing to be issued at this time - \$114,767.00. (734994/448-89515/470-664).

kk) Improving water distribution system to serve O-Dell White Addition, (south of Maple, west of 119th Street West). Total Cost - \$3,120.00 (plus idle fund interest - \$90.00, plus temporary note interest - \$0.00). Financing to be issued at this time - \$3,210.00. (735009/448-89562/470-679).

ll) Improving water distribution system to serve Jones Park Addition, (south of 37th Street North, east of Arkansas). Total Cost - \$29,063.74 (plus idle fund interest - \$971.26, plus temporary note interest - \$825.00). Financing to be issued at this time - \$30,860.00. (734957/448-89451/470-627).

mm) Improving Lateral 32, District E, Sanitary Sewer No. 12 to serve C.D.C. Addition, (south of 21st Street North, east of Hydraulic). Total Cost - \$4,430.73 (plus idle fund interest - \$330.27, plus temporary note interest - \$0.00). Financing to be issued at this time - \$4,761.00. (743847/468-83055/480-535).

nn) Improving water distribution system to serve Springdale Lakes Addition, (south of Kellogg, west of 143rd Street East). Total Cost - \$43,626.73 (plus idle fund interest - \$1,188.13, plus temporary note interest - \$1,948.14). Financing to be issued at this time - \$46,763.00. (734979/448-89485/470-649).

oo) Improving water line extension to serve an area along Seneca from 55th Street South to 63rd Street South and east to the Railroad Tracks, (south of 55th Street South and north of 63rd Street South, east and west of Seneca). Total Cost - \$492,367.19 (plus idle fund interest - \$277.97, plus temporary note interest - \$29,394.84). Financing to be issued at this time - \$522,040.00. (734936/448-89417/470-605).

pp) Improving water distribution system to serve unplatted tracts in Section 29, Township 28 South, Range 1 East, (south of 55th Street South, east of Seneca). Total Cost - \$29,800.30 (plus idle fund interest - \$654.52, plus temporary note interest - \$1,269.18). Financing to be issued at this time - \$31,724.00. (734951/448-89445/470-621).

Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

## TARA FALLS

### **PETITION FOR STREET PAVING TARA FALLS ADDITION - SOUTH OF HARRY, WEST OF 127TH STREET EAST.** (District II)

Agenda Report No. 01-0830.

On May 1, 2001, the City Council approved a Petition to pave Tara Falls and Tara Falls Courts in Tara Falls Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The property owner has submitted a new Petition with an increased budget.

The project will provide paving for a new residential development located south of Harry, west of 127th Street East.

The original Petition totaled \$280,000. The new Petition totals \$290,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

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Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-285

A Resolution amending Resolution no. R-01-194 pertaining to the improving of Tara Falls, from the south line of Michelle to the south line of Lot 42, Block A, Tara Falls Addition; Tara Falls Court: from the south line of Tara Falls to and including cul-de-sac (Lots 31-41, Block A); and Tara Falls Court: from the north line of Tara Falls to and including cul-de-sac (Lots 19-32, Block C), (south of Harry, east of Greenwich) Project No. 472-83374, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SAWMILL CREEK

## **PETITION TO PAVE STREETS IN SAWMILL CREEK ADDITION - EAST OF ROCK, NORTH OF 45TH STREET NORTH.** (District II)

Agenda Report No. 01-0832.

On December 19, 2000, the City Council approved a Petition to pave streets in Sawmill Creek Addition. The developer has submitted a new Petition that expands the project to include an additional street. The signature on the Petition represents 100% of the improvement district.

Sawmill Creek Addition is a new residential development on the east side of Rock, north of 45th Street North.

The Petition budget remains at the original amount of \$694,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-286

Resolution of Findings of Advisability and Resolution authorizing improving of Sawdust, from the east line of Rock Road to the west line of Spyglass; Sawdust Ct., from the north line of Sawdust to and including cul-de-sac (Lots 71-77, Block 7); Sawdust Ct., from the north line of Sawdust to and including cul-de-sac (Lots 54-66, Block 7); Sawdust Ct., from the south line of Sawdust to and including cul-de-sac (lots 20-33, block 6); Sawdust Ct., from the west line of Sawdust Court to and including cul-de-sac (lots 6-19, Block 6); Sawdust Ct., from the south line of Sawdust to and including cul-de-sac (Lots 34-39, Block 6); Sawdust Ct. from the south line of Sawdust to and including cul-de-sac (Lots 43-51, Block 6); and Spyglass, from the north line of 45th street north to the north line of Sawdust, (east of Rock, north of 45th Street North) 472-83281, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## **WHISPERING BROOK PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE WHISPERING BROOK COMMERCIAL SECOND ADDITION - SOUTH OF 37TH STREET NORTH, WEST OF WOODLAWN.** (District I)

Agenda Report No. 01-0831.

On February 27, 2001, the City Council approved a Petition to construct a sanitary sewer to serve Whispering Brook Commercial 2nd Addition. The developers have submitted a new Petition that expands the project to serve an additional lot. The signatures on the Petition represent 100% of the improvement district.

Brook Commercial 2nd is a new commercial development on the south side of 37th Street North, west of Woodlawn.

The Petition budget remains at the original amount of \$34,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. 01-287

A Resolution amending Resolution No.R-01-085 pertaining to the construction of Lateral 66, Main 9, Sanitary Sewer No. 23 (south of 37<sup>th</sup> Street North, west of Woodlawn) Project No. 468-83220, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **STREET CLOSURES: CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures considered.

## **CLAIMS**

### **REPORT ON CLAIMS ALLOWED JUNE, 2001:**

<u>Name of Claimant</u>	<u>Amount</u>
Envision, Inc.	\$3,418.45
Jennell Comstock	\$50.00
City of Andover	\$6,479.05*
Sylvester Clemons	\$130.00
SW Bell	\$109.60
William L. Fry	\$525.26
Anita L. Ramirez	\$126.48
Thomas Tilley	\$183.55
Tressa Saprks	\$153.56**
Rick McVey	\$2,561.00**

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

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## **SANITARY SEWER      CONTRACT FOR SEWER MAINTENANCE BUILDING IMPROVEMENTS.**

Agenda Report No. 01-0833.

The sewer utility Capital Improvement Program includes Project S-73, for improvements to the Sewer Maintenance building located at CMF. In October of 2000, the City solicited proposals for a design/build project to construct the improvements. Four proposals were received. Staff reviewed the responses and recommended Sutherland Builders/ Randal Steiner Architect. Staff delayed finalizing the Contract until plans were developed for relocating Water Distribution to CMF to insure that this project was coordinated with the other planned improvements.

The Sewer Maintenance building houses Sewer Maintenance, Storm Drain Maintenance, Street Cleaning and Traffic Maintenance activities. Users need enclosed, heated space for mixing chemicals and for storing chemicals, electronic equipment, PVC pipe, safety equipment, pumps and vehicles carrying water. The building is structurally sound, but its size is inadequate for the equipment and materials stored in it, and it is not as attractive as the other buildings on the CMF campus. Improvements will add 11,000 square feet of indoor storage, upgrade and provide ADA accessible restrooms, and will renovate the exterior to an appearance consistent with adjacent buildings.

The Contract is for \$264,580 which incorporates changes to coordinate the project with the other improvements planned at CMF. Funding is available in Sewer Maintenance Facilities Improvement, CIP S-73.

City Council approval is required for expenditures of \$10,000 or more.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **FIRE STATION LIBRARY      FIRE STATION AND SOUTH REGIONAL LIBRARY CONSTRUCTION.**

Agenda Report No. 01-0834.

The City Council has previously approved the Fire Station Location Study that anticipates the relocation of eight existing fire stations and the addition of two new fire stations over the next ten years. The governing body has also approved construction of a new regional branch library as part of the City's Capital Improvement Program (CIP).

In December 2000, the City requested proposals from qualified firms to provide architectural services for construction of five fire stations and one regional library, with an option for five additional fire stations.

Seven firms responded as follows: Gossen Livingston Associates, Law/Kingdon, Inc., Wilson Darnell Mann, McCluggage Van Sickle and Perry Corporation, Schaefer Johnson Cox Frey & Associates, Hanney & Associates, and Jeff Krehbiel Associates. The Staff Screening and Selection Committee interviewed Gossen Livingston Associates, Wilson Darnell Mann, and McCluggage Van Sickle and Perry Corporation. Architectural fees for the combined projects are as follows:

<u>Fire Stations</u>		<u>Library</u>
\$319,921	Basic Services	\$171,339
<u>\$ 10,000</u>	Reimbursable Expenses	<u>\$ 8,000</u>
\$329,921	Total	\$179,339

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Total architectural fees are \$509,260.

Basic services are computed at 5.75% of the maximum bid price for five fire stations of \$4,715,000 (\$943,000 average cost each) and a maximum bid price of \$2,789,167 for the library.

The firm of Gossen Livingston was selected for this project on the basis of overall approach to this project, commitment to meeting the schedule, and competitive fee for services.

The project is authorized in the 2001-2010 Capital Improvement Program (PB-350004 and PB-351005). (Project No. 435271, OCA No. 792309)

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## CMF

### CENTRAL MAINTENANCE FACILITY (CMF) EXPANSION/WATER DISTRIBUTION MAINTENANCE FACILITY RELOCATION. (District IV)

Agenda Report No. 01-0835

The Water Distribution maintenance operation located at 1701 Sims Park Drive, adjacent to Cowtown, currently houses all of the equipment and personnel required to install and maintain water mains and services; read, test and repair water meters; monitor backflow prevention devices; and maintain fire hydrants.

The City Council previously approved the relocation of this Distribution Maintenance Facility from its present location to allow for other uses, including the expansion and improvements to Cowtown. It is planned to relocate these maintenance operations to the Public Works East and West Maintenance Substations and the Central Maintenance Facility (CMF). The CMF will be expanded into the vacated Transit Bus Maintenance Facility at 1825 South McLean Blvd.

On June 12, 2001, the City Council approved the project, amended CIP W-202, and authorized final design and construction of the project.

In 1994, the City Council approved a Contract with Law/Kingdon, Inc. for consulting services to assist in the development of a Management and Organization Study to include consolidation of maintenance services.

Last year, a Contract Amendment was approved with Law/Kingdon, Inc. to update the Maintenance Master Plan; analyze the existing Water Distribution Maintenance Facility at 1701 Sims Park Drive to verify and determine existing requirements; analyze the Transit Bus Maintenance Facility at 1825 South McLean Blvd. and surrounding site to determine the suitability of locating the Distribution Maintenance Facility from its present location; develop a Master Site Plan and General Building Layout; and determine a preliminary budget.

A Contract Amendment for a not to exceed amount of \$235,000 including reimbursable expenses is recommended with Law/Kingdon, Inc. to continue this project. This firm is familiar with all aspects of the Maintenance Master Plan; therefore, to solicit and hire a new Consultant at this point would not be cost effective and would slow the project development. The Contract Amendment with Law/Kingdon, Inc. will include the finalization of the Master Planning Phase, Schematic Design, Design Development, Construction Documents, Bidding, and Construction Administration for the relocation of the Water Distribution Maintenance operations.

The project is authorized in the 2001-2010 Capital Improvement Program (PB-351001 and W-202). (Project No. 751202, OCA No. 633739)

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.



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## **21<sup>ST</sup> STREET NORTH SUPPLEMENTAL AGREEMENT - 21ST STREET NORTH FROM 119TH STREET WEST TO MAIZE ROAD.** (District V)

Agenda Report No. 01-0836.

On October 12, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for designing 21st Street North from 119th Street West to Maize Road. The fee was \$87,220.

SRB has been asked to landscape the islands and increase pavement transition lengths at the intersection of 119th Street West and 21st Street. Supplemental Agreement No. 1 has been prepared.

Payment to SRB for the Supplemental Agreement will be made on a lump sum basis of \$6,850, and will be paid by General Obligations Bonds.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **KDOT**

### **SUPPLEMENTAL AGREEMENT - MT. VERNON BRIDGE OVER GYPSUM CREEK, WEST OF WOODLAWN.** (District III)

Agenda Report No. 01-0837.

On December 22, 1998, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for the City to provide the construction engineering services for the Mt. Vernon Bridge, and for KDOT to reimburse the City for 80% of the cost with an upper limit of \$53,166.93.

At completion of the project, it was discovered that more time was required than figured in the original estimate. The City had to provide additional inspection services for 25 days that were not anticipated when the initial Agreement was prepared.

KDOT has agreed to increase the upper limit of compensation to \$55,745.15 to reimburse the City for the additional work. The Supplemental Agreement has been prepared.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **HISTORIC PRES.**

### **HISTORIC PRESERVATION FUND GRANT.**

Agenda Report No. 01-0838.

The Historic Preservation Office submitted grant proposals in March 2001 for the following projects:

- Design Review Staff – MAPD, Historic Preservation Office is requesting funds from the Historic Preservation Fund Grant Program to partially fund the salary of the design review assistant to be staffed at 30 hours per week for 52 weeks.

- McAdams Survey – The Grant will be used for a consultant to conduct a survey of approximately 530 structures in the McAdams neighborhood.

- Architectural Styles Workshop – The workshop would provide training to accurately complete survey forms for volunteer or fledgling preservation professional(s). There is a shortage of qualified consultants for survey work in Wichita and this workshop would provide the needed training. The City of Wichita is requesting funds from the Historic Preservation Fund Grant Program to partially fund the honoraria for the workshop faculty and rental costs for the classroom for a week.

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College Hill Commercial Design Guidelines & Overlay Zone Regulations – The Grant is to provide funding for a consultant to develop the overlay zoning district regulations and the commercial structure addendum to the College Hill Design Guidelines. The Grant also provides for printing costs of the College Hill report and an already funded Delano report.

The Grant amount for HPF Grant 20-01-14614-017 is \$32,865 - \$19,725 Federal match; \$13,150 City match. City match is generated from staff time only. This agreement combines the College Hill proposal and the Architectural Styles workshop.

The Grant amount for HPF Grant 20-01-14614- is \$38,120 - \$22,640 Federal match; \$15,480 City match. City match is generated from staff time only. This agreement combines the Design Review staff proposal and McAdams Survey proposals.

Agreements may be canceled by either party with 30 days notice. City match for grants is provided through staff time.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **KDHE AIR QUALITY RENEWAL OF KDHE/FEDERAL AIR QUALITY PROGRAM GRANTS.**

Agenda Report No. 01-0839.

Since 1972, the Wichita-Sedgwick County Health Department has received grant funding from the Environmental Protection Agency to operate a local air quality program. Additional funding from the Kansas Department of Health and Environment has been provided since 1994. Program objectives include inspection of air pollutions sources, air monitoring for criteria pollutants and toxic compounds, indoor air quality investigations, complaint investigations, responding to hazardous materials spills, and educational activities which include presentations on air quality issues and continuing development of the Environmental Health web site (<http://www.wichita.gov/CityOffices/Health/Environmental/>).

Three separate grants allow the Health Department to provide comprehensive air quality services that address public health and environmental protection issues. This Federal and State support allows a level of service that would be difficult to provide utilizing only local funding. The local program has been in existence for 30 years.

Four Air Quality Program positions are funded through the three grants. Support staff and office space are provided by the City as a local match for the EPA Section 105 grant. The EPA grant is directed through KDHE. The KDHE grant and EPA Section 103 (PM2.5 or fine particulate) grant do not require local matching funds. The EPA Section 105 grant does require a 40% soft match of local funds.

The Contract reviewed and approved unanimously at the June 14, 2001 Board of Health meeting.

Motion -- Knight moved that renewal of the KDHE/EPA Air Quality Program grant award contracts for SFY  
-- carried 2002 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **NIC NORTH INDUSTRIAL CORRIDOR CONTRACT AMENDMENT.**

Agenda Report NO. 01-0840.

On November 14, 1995, the City signed a Settlement Agreement with the Kansas Department of Health and Environment (KDHE) to conduct a Remedial Investigation and Feasibility Study (RI/FS) for the North Industrial Corridor (NIC) Site for the purpose of studying the underlying ground water contamination. On January 7, 1997, the City entered into a contract for the professional services of Camp Dresser & McKee (CDM) Inc. to perform the necessary work for the RI/FS. Since the initial contract, several change orders were approved by the Council. In 1991, the City authorized Contract

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Amendment No. 1 for the purpose of conducting investigative work outside of the original contract scope.

Work tasks in the January 1997 contract and the September 1999 Contract Amendment No. 1 have evolved during the course of the NIC RI/FS investigations as a result of additional KDHE investigation requirements. To finalize investigation and comply with the KDHE/City of Wichita agreement, this contract amendment is necessary to provide the following:

1. Source areas of the contamination
2. Finalization of the risk assessment
3. Completion of the Remediation Investigation and Feasibility Study

It is anticipated that with this contract amendment the RI/FS will be completed in December 2001. The expanded scope of this work will also be used for the purpose of remediation design and cost recovery efforts with the responsible parties.

The total requested funds for Amendment No. 2 are \$619,361.72. The expenses are budgeted and will be paid through the North Industrial Corridor TIF.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES FOR FLAT CREEK ADDITION - EAST OF 119TH STREET WEST, NORTH OF PAWNEE.** (District V)

Agenda Report No. 01-0841.

The City Council approved the project on June 5, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Flat Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$126,700, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## KDOT

### **LINCOLN BRIDGE AT FABRIQUE AND 53RD STREET NORTH BRIDGE AT THE LITTLE ARKANSAS RIVER.** (Districts III and VI)

Agenda Report No. 01-0842.

The City of Wichita and the Kansas Department of Transportation (KDOT) have an ongoing program to match City funds with Federal grants for bridge improvements on major streets. The 2001 Capital Improvement Program contains funding to reconstruct the 53rd Street North Bridge over the Little Arkansas River. The 2002 Capital Improvement Program includes funds to replace the Lincoln Street Bridge at the Fabrique Ditch near Woodlawn.

It is proposed that the Lincoln bridge project be moved to 2001 so construction can begin this year. Funding is available because the 10th Street Bridge over the Drainage Canal, currently funded in 2001, is being delayed so that neighborhood meetings can be held to determine if it is needed. Both bridges are becoming functionally and structurally deficient.

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The Lincoln Bridge is a concrete box structure that needs to be extended to provide for a future five-lane roadway. The 53rd Street Bridge is an old County bridge that will be replaced with an all-new structure.

Traffic will be carried on Lincoln for the duration of that project. The replacement of the 53rd Street Bridge will require a total closure.

The budget for the Lincoln Bridge is \$720,000 with \$270,000 paid by the City and \$450,000 by Federal grants administered by KDOT. The 53rd Street Bridge budget is \$2,300,000 with \$700,000 paid by the City and \$1,600,000 by Federal grants.

Motion --  
-- carried

Knight moved that the projects be approved; the Ordinances be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance declaring the Lincoln Bridge at the Fabrique Ditch, 472-83400, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## ORDINANCE

An Ordinance declaring the 53<sup>rd</sup> Street North Bridge at the Little Arkansas River, 472-83401, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## WATER MAIN

### INSTALLATION OF WATER MAIN IN SHERIDAN FROM MAPLE STREET TO BURTON.

Agenda Report No. 01-0843.

Population being served by the City of Wichita for water is projected to increase to over 450,000 by 2010. To ensure that water needs are met, the department initiated a study of the water system. The study was completed in November 1999, and a number of significant system improvements were recommended to ensure adequate service levels now, and in the future. On May 15, 2001, the City Council approved a project to construct a 16-inch water main in Sheridan from Maple to Burton (CIP W-829).

The original recommendation was to provide system support to the west-central portion of the City's water system by constructing a 16-inch water main along Sheridan, from the existing 36-inch water main in Burton, to the existing 12-inch water lines in Maple and Sheridan. The result would allow for increased system pressure and water volume to the west-central portion of the water utility system.

In analyzing the leak history of the 12-inch main in Sheridan (from Maple to Kellogg), it was discovered that there had been failures on the line, and that it was in need of replacement, especially when pressures and volumes are increased due to the installation of the proposed 16-inch main. The project will be amended to include replacement of the 12-inch water main in Sheridan from Maple to Kellogg.

Capital Improvement Program (CIP W-829) has a budget of \$70,000. The total required to include the amended project is \$270,000. Unidentified Mains (CIP W-65) has available funds of \$3,150,000. By transferring \$200,000 from CIP W-65, Unidentified Mains, to CIP W-829, the total CIP budget will remain unchanged. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

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Motion --  
-- carried

Knight moved that the CIP be amended; the expenditure be approved; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$200,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ADDENDUM ITEM

### FINDING OF NO ADVERSE ECONOMIC IMPACT.

Agenda Report No. 01-0858.

The State of Kansas and City of Sedgwick have requested that the City of Wichita provide a finding that there will be no serious adverse economic impact caused by the move of CCM, Inc. from Wichita to Sedgwick. The City of Sedgwick has been tentatively awarded a \$1.3 million economic development grant from the Kansas Department of Commerce and Housing for the purpose of establishing a city-owned industrial park in Sedgwick. CCM, Inc. is proposing to move most of its operations from its current location at 2937 S. Kansas in Wichita to the new Sedgwick Industrial Park. State regulations require the City of Wichita to provide the aforementioned finding of no adverse impact in order for the City of Sedgwick to receive the grant.

CCM, Inc. is a manufacturer of wooden cabinets and countertops. They currently employ 12 people at their Wichita location and plan to add an additional 9 employees as a result of their move to new quarters in the Sedgwick Industrial Park. Several CCM employees live in the Sedgwick area and the principal market area for CCM products is Harvey County. CCM plans to keep open its Wichita workshop, but most of its workforce will be work out of the Sedgwick plant.

The City of Sedgwick hopes that the Industrial Park will generate more retail commercial development in Sedgwick as a result of the presence of more industrial employment. If this comes about, there may be a loss of a minor amount of sales tax revenue, especially if the retail development occurs on the Harvey County side of the county line that passes through the City of Sedgwick. Some current or future CCM employees may eventually move from Wichita to be closer to their place of employment.

Motion --  
-- carried

Knight moved that the finding that there will be no serious adverse economic impact on the City of Wichita as a result of the move to Sedgwick by CCM, Inc., be adopted. Motion carried 7 to 0.

## BUDGET

### TRANSFER OF NUISANCE ABATEMENT FUNDS.

Agenda Report No. 01-0844.

The proposed transfer moves \$25,000 from the Environmental Maintenance Contingency to the Environmental Maintenance Lot Clean-up account. The Contingency Account was created to fund lot cleanup and weed mowing activities to abate environmental nuisances. Local ordinance and state law allow the City to clean-up private property after proper notification of the responsible party. This process is typically used when property has been abandoned, or in cases involving absentee owners who cannot be located for trial in municipal court. A private contractor performs the work, and the City bills the cost to the property owner directly, or as a special property tax assessment.

In the 2001 budget, the City Council approved an initial \$24,400 to fund lot clean-up activities, with an additional \$90,000 available for transfer during the year. In March, the Council approved transfer of \$25,000, leaving \$ 65,000 in Contingency for subsequent needs. Invoices received to date total \$ 33,825 for cleanups on 74 properties. Nineteen additional cases have been referred to the contractors at

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a projected cost of \$ 13,040. These work orders will nearly deplete the current fund balance of \$ 15,575. Ten additional properties have been assigned to contractors for estimates, and twenty-seven others are in process. Staff anticipates that the \$25,000 requested for transfer will fund clean-up activities for the next two to three months.

Funds in Contingency currently total \$65,000.

Council approval is required for budget adjustments in excess of \$10,000.

Motion --

Knight moved that the budget adjustment transferring \$25,000 from Environmental Maintenance Contingency (OCA 149070) to Environmental Maintenance Lot Cleanup (OCA 149062) be approved. Motion carried 7 to 0.

-- carried

## SECTION 8

### APPLICATION FOR SECTION 8 VOUCHERS.

Agenda Report No. 01-0845.

On February 26, 2001 the Department of Housing and Urban Development (HUD) issued a notice of Funding Availability for approximately \$54.1 million in budget authority for Section 8 housing choice vouchers for persons with disabilities. This funding will provide approximately 1,900 vouchers.

The Section 8 wait list currently lists 1,857 families needing rental assistance and has been closed for over 2 years except for elderly, non-elderly disabled, and handicapped. There are currently 358 elderly disabled families and 945 non-elderly disabled families on the waiting list.

The NOFA specifies that the maximum number of vouchers that any housing authority may apply is 75, and this application is for that number. Allocation of the available vouchers will be determined by lottery among the housing authorities submitting acceptable applications.

If the housing authority receives 75 vouchers, the additional vouchers will produce approximately \$367,000 in HAP payments annually. The Housing Authority will also earn annual Administrative Fees of approximately \$36,000.

Motion --

Knight moved that submission of an application for 75 vouchers under the Fiscal Year 2001 Funding for Mainstream Housing Opportunities be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## EQUIPMENT

### POLICE EQUIPMENT PARTNERSHIP PROGRAM GRANT.

Agenda Report No. 01-0846.

The BVP provides \$25 million annually for law enforcement agencies to purchase bulletproof vests, in an effort to reduce injury and death to law enforcement officers. The program is designed to provide federal funding for vests purchased since March 1, 1999.

The Department of Justice has awarded the City of Wichita \$19,956 under the 2001 Bulletproof Vest Partnership (BVP) grant. Approved vests purchased by the Police Department (from March 1, 1999, through December 31, 2000,) were included in the grant application. This is the first year the City has applied and been awarded these grant funds. The funding will be used to purchase additional bulletproof vests for law enforcement officers.

The City of Wichita has been awarded \$19,956, a federal match of 20% of the total cost of bulletproof vests included in the application.

Motion -- carried

Knight moved that grant budget be approved. Motion carried 7 to 0.

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## LLEBG

### LOCAL LAW ENFORCEMENT BLOCK GRANT.

Agenda Report 01-0847.

The City has received notification that it is eligible to receive year 2001 Local Law Enforcement Block Grant (LLEBG) funding. The City has participated in LLEBG funding for the previous five years. The year 2001 funding consists of a federal award of \$484,222 and will be the City's sixth LLEBG participation. A 10 percent local funding match is required, which the City Council has approved in the past from the Narcotic Seizure accounts. The 2001 LLEBG local match amount is \$53,802.

The LLEBG agreement states that before any obligation of funds can occur, an advisory committee must be established and allowed to provide non-binding recommendations for the obligation and expensing of such funds. A public hearing is needed before obligation or expensing of LLEBG funds can occur. The public hearing does not have to occur before applying for the 2001 LLEBG award.

The 2001 LLEBG program provides the City of Wichita with \$484,222 in federal funding. The local funding match of 10 percent (\$53,802) will be funded from the Narcotics Seizure accounts, which have sufficient funding to cover the local match requirements.

The City Manager, with the approval of the City Council, has the authority to submit and receive the grant.

Motion --  
-- carried

Knight moved that the grant application be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## CHENEY

### CHENEY RESERVOIR ENVIRONMENTAL STUDY.

Agenda Report No. 01-0848.

Cheney Reservoir is a vital component of the City's water supply system providing more than 60% of the City's water supply. In the early 1990s, the City began to experience periodic problems with taste and odor in water from the reservoir. In 1996, the Bureau of Reclamation and the U.S. Fish and Wildlife Service joined the City in performing an environmental survey of the reservoir. On May 5, 1998, City Council approved a project for engineering services to evaluate the data collected and for the development of a remediation plan based on environmental information. City Council approved a Contract with the University of Kansas on May 25, 1999, to do an environmental study of the reservoir and to recommend remediation actions.

Cheney Reservoir was built in 1965 without algae growth occurring until 25 years later. Two steps are necessary to improve the water quality in the reservoir: 1) clean up pollutants present in the reservoir; and 2) reduce the amount of pollution entering the reservoir. The City began working with the agricultural producers in the watershed in 1992 to reduce non-point source pollution. The program has been very successful and has received national recognition.

The environmental study done by the University of Kansas was to determine what conditions occur to cause taste and odor, and to evaluate techniques that would be effective in eliminating the conditions. The approach was to collect water samples at six sites over an 18-month period comparing water chemistry, water conditions, and biological activity. The analysis led to the following key findings:

Confirmation that taste and odor problems occurring in water from Cheney Reservoir are being caused by the growth of blue-green algae.

- Nutrient levels in the reservoir cause the reservoir to be eutrophic; however, other reservoirs with similar water quality have had much more severe taste and odor problems. Phosphorus, which is the fertilizer used in the watershed, is the main nutrient that leads to the growth of algae.

- The high amount of suspended solids helps reduce the amount of light available to algae, and thus, helps to inhibit the growth of algae.

- A correlation exists between the growth of algae and other aquatic life. Proper fish populations (stocking) can affect the growth of blue-green algae.

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· If phosphorus concentrations in the water can be held below 110 micrograms per liter, and chlorophyll a concentration is held below 11 micrograms per liter, there should not be a taste and odor problem.

· Alternatives were evaluated that addressed the level of phosphorus. The conclusion was that reducing nutrient loading into the reservoir would be the most successful method of reservoir management and in solving the algae situation.

There are no financial considerations.

Motion -- carried

Knight moved that study be received and filed. Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF A PORTION OF 7732 EAST CENTRAL FOR THE CENTRAL AND ROCK ROAD INTERSECTION IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 01-0849.

In July 1998, the City Council approved a resolution authorizing the improvement of the intersection of Central and Rock Road as part of the 1998-1999 Traffic Corridor Improvement Program. In early 2001, staff was instructed to initiate formal acquisition of all tracts required for the project. One parcel required is a portion of 7732 East Central. This location is developed with several commercial and retail businesses. The property required will not impact any of the improvements.

The required easements were valued at \$60,000. This amount was offered to and accepted by the owner. The City will also be responsible for moving two signs and remediation of any damage to site improvements.

A budget of \$62,000 is requested. This includes \$60,000 for the acquisition and \$2,000 for title insurance and closing costs. The cost to relocate signs and any remediation costs will be borne as a cost of the project.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ JUNE 19, 2001)**

a) Issuance of Hospital Facilities Improvement and Refunding Revenue Bonds – Via Christi. (Districts II, III, and VI)

#### ORDINANCE NO. 45-005

An Ordinance authorizing the City of Wichita, Kansas to issue its hospital facilities improvement and refunding revenue bonds (Via Christi Health System, Inc.) in the aggregate principal amount of not to exceed \$183,000,000 for the purposes of refunding certain outstanding Hospital Revenue Bonds and constructing and equipping certain additions to existing hospital facilities; prescribing the form and authorizing execution of a bond indenture by and between the city and Intrust Bank, N.A., as Bond Trustee; prescribing the form and authorizing the execution of a Second Supplemental Restated and Amended Lease by and between Via Christi Regional Medical Center, Inc. and the City; prescribing the form and authorizing the execution of a Second Supplemental Sublease and Obligation No. 3A by and between the City and Via Christi Regional Medical Center, Inc.; prescribing the form and authorizing the execution of a First Supplemental Lease by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of a First Supplemental Sublease and Obligation No. 3B by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of an Escrow Deposit Agreement by and among the City, Via Christi Health System, Inc., Via Christi Regional Medical Center, Inc. and Intrust Bank, N.A.; approving the form of Guaranty Agreement and Obligation No. 3AA by and between Via Christi Regional Medical Center, Inc. and the Bond Trustee; approving the form of Guaranty Agreement and Obligation No. 3BB by and between Mt. Carmel Medical Center, Inc. and the Bond Trustee; authorizing execution of a Tax



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Compliance Agreement by and among the Issuer, the Bond Trustee and Via Christi Health System, Inc.; prescribing the form and authorizing the execution of a Bond Purchase Agreement by and among the City, Via Christi Health System, Inc. and Salomon Smith Barney Inc., as purchaser of the 2001 Bond, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## First Read July 10, 2001:

- a) Improvements to Central and Rock Road Intersection. (District II)

### ORDINANCE NO. 45-006

An Ordinance declaring the Intersection of Central Avenue and Rock Road, 472-83393, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) A 01-13 - Southwest corner of 37th Street North and Tyler Road. (District V)

### ORDINANCE NO. 45-007

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A 01-13

- c) 2001 Arterial Corridor Design Program. (Districts I and II)

### ORDINANCE NO. 45-008

An Ordinance declaring Hillside from Kellogg to Central Avenue and Hillside from 17th Street North to 21st Street North (2001 Corridor Street Design Program) 472-83361, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) ZON2000-00037

### ORDINANCE NO. 45-009

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-00037

- e) ZON2000-00049

### ORDINANCE NO. 45-010

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-00049

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f) Z-3339 – West of Meridian, North of 55th Street South. (District IV)

## ORDINANCE NO. 45-011

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.  
Z-3339

g) ZON2001-00034 – Approximately 400 feet north and east of Rock Road and 45th Street North. (District II)

## ORDINANCE NO. 45-012

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.  
ZON2000-00034

h) ZON2001-00037 – South of Texas and East of Osage ¼ Block. (District IV)

## ORDINANCE NO. 45-013

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.  
ZON2000-00037

## PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda could be considered as consensus, except Items 31, 32, and 34, unless the Council desired to withhold other Items.

Motion --  
-- carried

Knight moved that the Planning Agenda, except Items 31, 32, and 33, be approved as consensus Items. Motion carried 7 to 0.

DED2001-17

**DED2001-17 – DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED ON THE NORTH SIDE OF MAPLE, AND THE WEST SIDE OF TYLER ROAD.** (District V)

Agenda Report No. 01-0850.

MAPC Recommendation: Accept the dedication.

This dedication is a requirement of a Lot Split No. SUB 2001-60, and is being dedicated to allow access control, except for one opening, along Tyler Road.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

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**DED2001-18**

**DED2001-18 – DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED BETWEEN SECOND AND THIRD STREETS, ON HYDRAULIC.** (District I)

Agenda Report No. 01-0851.

MAPC Recommendation: Accept the Dedication.

This dedication is a requirement of Zoning Case No. ZON 2001-25, and is being dedicated to allow access control along Hillside.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

**DED2001-19**

**DED2001-19 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED BETWEEN SECOND AND THIRD STREETS, ON HYDRAULIC.** (District I)

Agenda Report No. 01-0852.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Zoning Case No. ZON 2001-25, and is being submitted to allow for street right-of-way along Hydraulic.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

(Item No. 31)

**ZON2001-00028  
CON2001-00032**

**ZON2001-00028 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL; AND CON2001-00032.**

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report 01-0853.

MAPC Recommendation: Approve, subject to conditions (11-0-1).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve 'LC' zoning; Approve Conditional Use, subject to conditions (5-2).

The applicant is requesting a zone change to "LC" Limited Commercial and a Conditional Use to allow a car wash to be located within 200 feet of a residential zoning district. The application area is a 1.4 acre platted tract located at the northwest corner of 37th Street North and Meridian. The site is currently zoned "MF-18" Multi-Family Residential and is vacant.

The character of the surrounding area is mixed, with the K-96/I-235 interchange the predominate feature of the area. Institutional uses are to the north, west, and southeast. Undeveloped commercial property is to the south, and residential uses are to the east and southwest. The current owner (Word of Life Ministries) of the subject property also owns the property to the north and west of the site of the proposed convenience store and car wash to be constructed by the contract purchaser (Kwik Shop). The property north and west of the site is zoned "MF-18" Multi-Family Residential and "LC" Limited Commercial and is developed with church and school buildings. The property to the southeast is zoned "SF-5" Single-Family Residential and is developed with a law enforcement training center. The property south of the site is zoned "LC" Limited Commercial and is undeveloped. The nearest properties developed with residential uses are located approximately 150 feet to the southwest and 175 feet to the east and are zoned "SF-5" Single-Family Residential. The properties developed with residential uses are separated from the subject property by arterial streets.

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The site plan is 3,440 square foot convenience store with 5 gasoline islands and an automatic car wash with dryer. The site plan shows a landscaped buffer along with a screening fence on the north and west property lines and a landscaped street yard along the south and east property lines. The site plan shows the car wash located in the northeast corner of the site with the dryer facing to the east where properties developed with residential uses are located. Therefore, planning staff recommends that approval of the Conditional Use be subject to approval of a final site plan by the Planning Director that relocates the car wash further from properties developed with residential uses and reorients the car wash such that the dryer faces to the north toward the freeway interchange.

At the MAPC hearing on June 21, 2001, the applicant offered a revised site plan that relocates the car wash to the northwest corner of the site. The applicant also presented information regarding the noise generated by the dryer. The MAPC voted (11-0-1) to approve the request subject to the applicant's revised site plan and the following conditions:

- A. The car wash shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
- B. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- C. Any violation of the conditions of approval shall declare the Conditional Use null and void.

Motion --

Fearey moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change and Conditional Use, subject to recommended conditions including withholding of publication of the Ordinance until a petition is submitted to improve this section of 37<sup>th</sup> Street with a third left-turn lane, be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00028

(Item No. 32)

**ZON2001-00033**  
**CUP2001-00020**

**ZON2001-00033 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE; AND CUP2001-00020 (DP-73 AMENDMENT #7) AMENDMENT TO PARCEL 3 TO PERMIT OFFICE USE OF ONE LOT, LOCATED ON THE NORTHEAST CORNER OF 25TH STREET NORTH AND MAINSGATE.** (District I)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report 01-0854.

MAPC Recommendation: Deny (12-0).

Staff Recommendation: Deny.

DAB Recommendation: Deny (7-2).

The applicant operates an office for a service-type business of brokering, dispatching, and accounting for trucking services from his single-family residence located at the northeast corner of 25th Street North and Mainsgate (7003 East Mainsgate). The subject property is zoned "SF-5" Single-Family Residential. The applicant indicates that he operated the home-based business from his prior residence at 6810 E. Mainsgate for 14 years, and then three years ago, designed and constructed his current residence specifically for the purpose of residing on the ground floor and operating the home-based business in the basement.

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An office is a permitted home occupation on property, such as the subject property, in the "SF-5" Single-Family Residential zoning district; however, the Unified Zoning Code does not permit non-resident employees for home occupations in the "SF-5" district. The applicant currently employs five non-resident employees, who park in a paved parking area owned by the homeowner's association located across 25th Street North to the south in an open space reserve.

Originally, the applicant applied for a Variance to permit non-resident employees for a home occupation business. However, after consulting with planning staff regarding the strict criteria for granting a Variance and the court's requirement to exhaust administrative remedies such as zoning should the Variance be denied and appealed to District Court, the applicant chose instead to apply for a zone change to "NO" Neighborhood Office, which is the first zoning district that permits the applicant's current use of the subject property. Additionally, the subject property is located within the Comotara Residential CUP (DP-73), so an amendment to permit an office use on a portion of Parcel 3 (that is restricted to single-family and zero lot line residences) also is required.

The subject property is located within an entirely single-family residential neighborhood. All property surrounding the site is zoned "SF-5" Single-Family Residential and is developed with single-family residences or is open space. The nearest properties zoned for office uses are located approximately 1/3 of a mile to west and have frontage to Woodlawn, a four-lane arterial street.

If "NO" Neighborhood Office zoning is granted, the use of the subject property for an office would be subject to regulations pertaining to non-residential uses in the Unified Zoning Code, the Landscape Ordinance, and the Uniform Building Code. Off-street parking on the subject property at rate of one space per 250 square feet designated for office use plus four spaces for the residence (due to a restrictive covenant pertaining to narrow street width) would be required unless an off-site parking agreement with the homeowner's association can be reached. If off-site parking is to be used, an additional amendment to the CUP would be required to permit the ancillary parking area in a residential zoning district. The parking area also would need to be screened per the requirements of the Landscape Ordinance whether it was located on-site or off-site. A screening fence and buffer landscaping would be required along the side and rear property lines of the subject property. A landscaped street yard also would be required on the subject property. A Compatibility Setback of approximately 22 feet would be required from side and rear property lines. Since the existing structure is located closer than 22 feet from the side property line, an administrative adjustment would be required to reduce the side-yard Compatibility Setback.

At the MAPC hearing on June 21, 2001, two neighborhood residents spoke against the request citing incompatibility of the office use with existing residential uses. The MAPC voted (12-0) to recommend denial of the request. Valid written protest petitions that represent 34.24% of the property within 200 feet of the site have been filed, which would require a ¾ majority vote (6 of 7 votes) of the City Council to approve the request.

Motion --

Brewer moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change and CUP be denied. Motion carried 7 to 0.

-- carried

**ZON2001-00035**

**ZON2001-00035 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL AND SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, LOCATED NORTHWEST OF THE WEST STREET/EIGHTH STREET INTERSECTION.** (District VI)

Agenda Report No.01-0855.

MAPC Recommendation: Approve, subject to conditions (12-0).

Staff Recommendation: Approve.

DAB Recommendation: DAB #6 voted to approve request (7-0).

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The applicant is requesting consideration for a zoning change from “B” Multi- Family and “SF-5” Single Family Residential to “LC” Limited Commercial, on Lot 4, Newton Gardens Addition, for an automobile window tinting shop. This activity is classified as “vehicle repair limited” and a permitted use in “LC” Limited Commercial zoning. The applicant proposes to use the attached double garage for the window tinting business and continue to live in the house

The applicant will need to acquire the appropriate permits and inspections for this mixed use of the structure. Access to the proposed business will be through the existing curb cuts, a large “double wide” curb cut that is used by the applicant and the property to the south and a curb cut on the south side that serves as the drive way entrance to the attached double garage. The front yard of the site has been paved over with concrete, from the house to the curb with the exception of a small half moon grass spot with a tree in it. The requested zoning to “LC” Limited Commercial will permit the applicant to run an automotive window tinting shop, as well as motor vehicle repair or maintenance services within a completely enclosed building, but not including paint and body shops.

The site has occupied “SF-5”, Single Family Residential zoning abutting it on the east side. North and south of the site are lots zoned “LC” Limited Commercial with converted residential structures being used as a tax service, sewing shop and a beauty shop. Across West Street, on the west side, there is “LC” Limited Commercial and “B” Multifamily zoned lots with auto repair or maintenance related businesses, local retail and office. Most of these businesses are in non-residential structures.

There have been numerous zoning changes on this section of West Street, from 8th Street on the south to the Zoo Blvd – West Street intersection on the north:

- (a) Z-2331 – From “AA” One Family & “B” Multifamily to “LC” Limited Commercial, located on the abutting south lot on the east side of West Street, approved in 1981.
- (b) Z-2738 – From “AA” One Family & “B” Multifamily to “LC” Limited Commercial, located 2 lots north of the site on the east side of West Street, approved in 1986.
- (c) Z-2366 – From “B” Multifamily to “LC” Limited Commercial, located between 10th and 9th on the east side of West Street, approved in 1981.
- (d) Z-3226 – From “B” Multifamily to “LC Limited Commercial, located across West Street west of the site, approved in 1997.

In these cases the change has been from “B” Multifamily and/or “AA” One Family to “LC” Limited Commercial zoning. The uses for these zoning changes have added office, local retail services and auto repair or maintenance related businesses to this section of West Street, which has eroded the desirability of residential uses on this street. This area is in transition from residential use to commercial zoning and uses.

Based on the continuing transition to commercial zoning and uses in this area, Planning Staff and the MAPC have recommended approval of the zone change, subject to the dedication of additional right-of-way along West Street, upgrading the existing utility easement located in the rear of the lot, and the contingent dedication of access control to allow only one opening on West Street should the lot be re-developed in the future.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00035

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(Item No. 34)  
ZON2001-00036

**ZON2001-00036 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE, LOCATED ON THE SOUTHWEST CORNER OF MAPLE AND 119TH STREET WEST.** (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0856.

MAPC Recommendation: Approve, subject to platting within 1 year and the additional provisions of a (P-O) Protective Overlay (10-2).

Staff Recommendation: Deny "GO" zoning; approve "NO" zoning.

DAB Recommendation: DAB V will hear the case on July 9, 2001.

The applicant requests a zone change from "SF-5" Single-Family Residential to "GO" General Office on a 12.5 acre unplatted tract located at the southwest corner of Maple and 119th Street West. The applicant proposes to develop the subject property with office uses. The applicant also proposes a Protective Overlay to limit uses and multi-family density.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of park land in the area. The properties north of the site across Maple are zoned "SF-5" Single Family Residential and are developed with single family residences. The properties east of the site across 119th Street West are zoned "SF-5" Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property south of the site is zoned "SF-5" Single-Family Residential and is The Meadows Park. The property west of the site is zoned "B" Multi-Family Residential and is developed with an assisted living facility.

Planning staff finds that the subject property is appropriate for office development; however, the scale and intensity of office development requested is significantly greater than recommended by the Far West Side Commercial Development Policy. In addition, the Far West Side Commercial Development Policy recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design; therefore, planning staff recommends conditions of a Protective Overlay to require the property to be developed with these appearance characteristics. The applicant has offered to limit uses and multi-family density on the subject property. With the exception of group homes, none of the uses offered to be restricted by the applicant are permitted by right in the "NO" Neighborhood Office district, which also limits the size of individual businesses and the height of buildings consistent with the Far West Side Commercial Development Policy. The "NO" Neighborhood Office district also requires a Conditional Use for multi-family and assisted living so that density and design issues can be more specifically addressed to ensure compatibility with nearby single-family residences. Finally, planning staff recommends that the rezoning be limited to the north 300 feet of the subject property (once road right-of-way is dedicated), which conforms with the scale of business development recommended by the Far West Side Commercial Development Policy and corresponds to the area that was requested by the applicant for office zoning in 1994. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for "GO" General Office be denied and instead that "NO" Neighborhood Office be approved, but only for that portion of the subject property that is located north of a line that is 350 feet south of and parallel to the north line of Section 25, Township 27 South, Range 2 West. Approval is recommended subject platting within one year and the following provisions of a Protective Overlay District:

1. Ground signage shall be monument type and shall be limited to 12 feet in height. Ground signage shall be limited to one sign per arterial street frontage.
2. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.
3. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.

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4. The buildings shall be designed with a residential architectural character, with at least 40% of the wall area on each facade in brick. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

At the MAPC hearing on June 21, 2001, no speakers, other than the applicant, spoke in favor or against the request. The applicant offered to amend their application to rezone only 8.51 acres of the subject property to "GO" General Office. The MAPC voted (10-2) that the request be approved, but only for the 8.51 acre portion of the subject property that is located outside the floodway.

Approval was recommended subject platting within one year and the following provisions of Protective Overlay District #99:

1. The following uses shall not be permitted: group residence, limited and general; cemetery; correctional placement residence, limited and general; group home, limited, general, and commercial; animal care, limited; bed & breakfast inn; broadcast/recording studio; heliport; hotel/motel; marine facility, recreational; vocational school; warehouse, self-service storage; parking area, commercial; mining or quarrying; oil or gas drilling; rock crushing; and solid waste incinerator.
2. Multi-family density shall be limited to 17.4 units per acre.
3. Ground signage shall be monument type and shall be limited to 12 feet in height. Ground signage shall be limited to one sign per arterial street frontage.
4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.
5. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.
6. The buildings shall be designed with a residential architectural character, with exterior colors and materials compatible with surrounding residential areas. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.

Council Member Martz Council Member Martz said that, considering the difference in projected population in the Far West-Side Development Policy and the most recent census, the Far West-Side Development Policy should probably be updated.

Council Member Fearey Council Member Fearey said she would be more in favor of approval if the Item could be sent back with a time-line for the Development Policy Study.

Motion -- Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to provision of Protective Overlay and platting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council.

-- carried Motion carried 6 to 1. Fearey – No.

**DR2001-07**

**DR2001-07 – PROPOSED AMENDMENTS TO THE UNIFIED ZONING CODE RELATED TO PARKING AND STORAGE OF VEHICLES AND REGISTRATION OF NONCONFORMITIES.**

Agenda Report No. 01-0857.

Staff Recommendation: Approve the amendments to the Unified Zoning Code.

MAPC Recommendation: Approve the amendments to the Unified Zoning Code (12-0).

When the Wichita City Council and the Board of County Commissioners recently adopted the amended Unified Zoning Code, two issues were deferred for separate reconsideration.



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A public hearing was held on these items on June 21, 2001, and MAPC voted ( 12-0) to approve the amendments as included herein.

## A. Parking and Storage of Vehicles:

Storage of vehicles in residential areas is regulated in the Unified Zoning Code in the section on residential accessory uses, and by definitions of certain terms, particularly “garage, private”, “parking” and related parking terms, and “vehicle, motor” and related definitions of vehicles. The intent of the Code is to distinguish between parking and storing of vehicles. Parked vehicles are those that are in a temporary location for not more than 72 consecutive hours. Stored vehicles are those beyond the 72-hour limit, unless they fall within the general category of a “customary accessory use” as defined by the Zoning Administrator.

An example of a “customary accessory use” would be leaving a vehicle parked for a longer time while a resident is on vacation. These “customary accessory uses” are identified when a vehicle is parked for greater than 72 hours, but upon investigation of the circumstances it is determined that the reason for the extended length is due to vacation, illness, or other similar temporary situation that would be normally associated with residential use. It does not include chronic storage of vehicles for extended lengths of time. These are classed as “stored” vehicles.

The proposed amendments clarified that boats, trailers or unoccupied recreation vehicles could be parked in garages and private parking areas. Also, the definition of commercial vehicles was changed to conform more closely to the City’s commercial vehicle definition.

As is currently the case, the suggested amendments for parking and storing vehicles differentiate between areas within the City of Wichita and in the unincorporated areas of the County. In the City, parking of operable vehicles (including boats, smaller trailers, and recreational vehicles) would be allowed in private parking areas, garages, and in side (except street side yards) or rear yards. Inoperable vehicles are not permitted except within garages. Stored vehicles would also be allowed within side yards (except street side yards) or rear yards, so long as the vehicles were operable. This is basically the same regulations as currently exist, except for clarifications of the size of trailers allowed to be stored and prohibiting storage in street side setbacks.

In the unincorporated area, the Sedgwick County Commission recently amended the Chapter 19 regarding the parking and storing of vehicles and other items. This resolution allows the storage of inoperable vehicles, and materials so long as the items are not stored in the front yard (unless they are at least 100 feet from the right-of-way) and are screened from view. This allows a greater amount of storage in rural and suburban areas where landholdings are generally larger and offer sufficient size to screen the storage areas. Residences are generally spaced farther apart to reduce the impact of the storage on the adjacent property owners. The storage activities are limited in scale to those that do not require a state license as salvage operation. Any storage above this level (generally nine inoperable vehicles) would require a state salvage permit and be considered a commercial use that would not be allowed residential areas as a residential accessory use. The other types of storage (unoccupied recreational vehicles, boats, and trailers) had already been allowed to be stored within any part of the yard in the unincorporated area of the County. These amendments simply clarify the definitions of the types of vehicles and size of trailers allowed as a residential accessory use.

Certain unincorporated areas of the County pose a dilemma because they are developed in an urban rather than rural or suburban manner. These are the areas with residential zoning of “SF-5” Single-Family. The prime example of this situation would be in the Oaklawn, Sunview, and Dear Creek Estates additions where most of the lots average 6,000 to 9,000 square feet in size. The other unincorporated area with “SF-5” zoning includes lots in the Crestview, Savannah at Castlerock, and CCEE Overbrook additions. Lot sizes are generally larger in these three subdivisions, and it is doubtful that outdoor storage of vehicles and other items would be permitted due to private restrictive covenants.

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The Oaklawn, Sunview, and Dear Creek Estates area probably more nearly fit the type of residential accessory uses permitted within the City of Wichita, which limits the storage to interior side yards and rear yards, and prohibits storage of inoperable vehicles except within a garage. Currently there is a neighborhood plan being developed for this area. Staff has suggested that the planning consultant work with residents to decide whether or not to apply more stringent residential accessory use requirements in these dense residential areas.

## B. Registration of Nonconformities and Exemptions:

When the Unified Zoning Code was adopted in 1996, a special class of uses was created. Any lawfully existing use conforming to the regulations prior to adoption of the 1996 Code was not deemed to have become “nonconforming” as a result of the Code adoption. However, there were nonconforming uses already in existence by virtue of not being in compliance with the previously approved codes of the city and county. And, nonconformities have been created by subsequent amendments to the Code.

In the proposed amendments to Section VII-I, this special class of users is identified as “exemptions” rather than “nonconformities” to eliminate confusion.

The second change is in the registration process. Previously, uses were required to be registered with the Zoning Administrator within one year of becoming nonconforming. For the exempted uses, they were to have been registered by January 1, 1997. However, many landowners do not realize if their properties would require registration until they seek to make improvements or are cited as a Code violation. Therefore, the proposed amendments eliminate the one-year deadline and give property owners the ability to make registration when the nonconforming or exempt status is identified, so long as they have proof of existence of the use during the prior time period. This makes the process of registration easier for most parties.

At the MAPC hearings, the Commission considered public comments from county residents on the need for more specific guidelines to deal with temporary extended parking situations and establishment of nonconforming uses. The MAPC felt that extended parking could best be handled by allowing the Zoning Administrator to evaluate the circumstances of individual cases and determine if they meet the intent of customary residential accessory uses. Similarly, the MAPC did not recommend incorporating specific guidelines into the Code for the Zoning Administrator to determine if a nonconforming or exemption use should be registered. The amendments allow the Zoning Administrator to establish administrative procedures to verify a legally nonconforming use, and preserves the option of the property owner appealing any decision to the Board of Zoning Appeals.

The proposed amendments have been reviewed and approved by the City Law Department and County Counselor’s office as to form.

Motion --  
-- carried

Knight moved that the amendments be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance providing amendments to Section II-B.5a; Section 11-B.a; Section II-B.10.d.; Section II-B.13.c; Section II-B.14.c; Section II-B.14-j; Section II-B.14.r; Section III-D.7.b (11); Section III-d.7.b (12); and Section VIII-I of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition, as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with parking and storage of vehicles and registration of nonconformities., introduced and under the rules laid over.

(The City Council returned to take up the General Obligation Bond and Note Sale Item; action is in Agenda order.)

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## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess into executive session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and contract negotiations; and the City Council return from executive session no earlier than 11:35 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 11:08 a.m. and reconvened at 12:05 p.m.

Vice Mayor Pisciotte said no action was necessary as a result of the executive session.

RECESS The City Council recessed at 12:05 p.m. and reconvened at 7:01 p.m.

Wichita, Kansas, July 17, 2001  
Tuesday, 7:01 p.m.

The City Council met in recessed session at the Sedgwick County Extension Center Sedgwick County Extension Center, 7:01 p.m.

Mayor Knight in the Chair. Council Members Gale, Lambke, Martz, Pisciotte, present. Council Members Brewer and Fearey; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

## **A01-08** **A01-08 – ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED WEST OF 119TH STREET WEST, FROM SOUTH OF 13TH STREET NORTH TO NORTH OF 21ST STREET NORTH.** (District V)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 01-0829.

On May 15, 2001, the City Council adopted a resolution that established July 17, 2001, at 7:00 p.m. at the Sedgwick County Extension Center, 7001 W. 21st Street N, Wichita, Kansas as the date, time and place for a public hearing for this annexation. The properties proposed for annexation are located from the north of 21st Street North to the south of 13th Street North and west of 119th Street West.

This is the second phase of a two-phase annexation initiative that began earlier this year. The first phase, which brought 310 acres and 135 properties into the City, was approved on March 30, 2001.

The area proposed for annexation consists of several unplatted tracts that comprise approximately 70 acres and 12 properties (all of which are unplatted). The land use pattern of the area proposed for annexation is a mix of single-family residential development and undeveloped land. The entire area is zoned "SF-20" Single-Family Residential which will convert to the "SF-6 Single-Family Residential district upon annexation.

The majority of the land proposed for annexation is located within the area identified as "low-density residential", with a small "commercial" area at the intersection of 21st Street North and 119th Street West, according to the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change. Additionally, the proposed annexation area is located within the "2010 Urban Service Area" boundaries found in the Comprehensive Plan amendments.

An informational meeting regarding the proposed annexation was held on June 19th, 2001 at the Sedgwick County Extension Center, 7001 W. 21st Street North. One (1) property owner attended the meeting, but asked no questions directly relating to the proposed annexation.

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In accordance with Kansas Statutes, a Service Extension Plan was prepared for this unilateral annexation. The Plan describes the means by which City services will be extended to the area. Map No. 2 in the Plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements proposed for annexation is \$14,095,300 resulting in an annual City Ad Valorem tax revenue of approximately \$5,469.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on June 8th, 2001. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a vote of ten to zero (10-0).

In conducting the public hearing, Kansas Statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Ms. Eberly

Ms. Eberly inquired regarding the cost of sewer service. No other residents in her area desire sewer service and the cost was too high compared to the present benefit to her property.

Steve Lackey

Director of Public Works said the cost quoted to Ms. Eberly is probably correct; however, he would ensure that all means available have been searched.

Motion --  
-- carried

Knight moved that the Public Hearing be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 5 to 0. (Brewer, Fearey; absent)

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-08

ADJOURNMENT

The City Council meeting adjourned at 7:11 p.m.

Pat Burnett CMC  
City Clerk